

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
OCTOBER 9, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4) (via zoom); Johnny Dawkins (District 5); Brenda McNair (District 7) (via zoom); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Absent: Council Member Derrick Thompson (District 6)

Others Present: Douglas Hewett, City Manager
Lachelle Pulliam, Interim City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Jody Picarella, Chief Financial Officer
Gerald Newton, Development Services Director
Loren Bymer, Marketing & Communications Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by PWC Commissioner Chris Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a proclamation to Mr. Jim Rutherford, Housing and Code Enforcement Division Manager, and Code Enforcement Officers proclaiming the month of October 2023 as National Code Compliance Month.

Mayor Colvin presented a proclamation to Mr. Alex Baker and Mr. David Scott proclaiming October 9, 2023, as Indigenous People Day.

Council Member Benavente announced on October 14, 2023, at 11:00 a.m. the Gothem City Marching Band Competition will take place at the Fayetteville State University.

Council Member Ingram thanked everyone that attended the Faith and Blue Community Watch March Against Violence and thanked everyone for how much they care.

Council Member Banks-McLaughlin invited everyone to attend the Memorial Dedication for former Council Member Theodore Mohn, on October 15, 2023, beginning at 3:00 p.m. at the Bill Crisp Senior Center.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, stated his weekly report is posted on the City's web site.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Benavente moved to approve the agenda with the addition of Item 7.010, requesting City Attorney to begin the paperwork to petition the court to release the Fayetteville Police Department Officer body-worn camera footage of the incident involving Mr. Lawrence Artis.

SECOND: Council Member Hondros

VOTE: UNANIMOUS (9-0)

7.0 CONSENT AGENDA

MOTION: Council Member Benavente moved to approve the consent agenda.

SECOND: Council Member Hondros

VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Jensen)

7.01 Approval of Meeting Minutes:

August 28, 2023 - Regular
September 5, 2023 - Work Session
September 11, 2023 - Discussion of Agenda Items
September 11, 2023 - Regular
September 18, 2023 - Special
September 20, 2023 - Agenda Briefing
September 25, 2023 - Discussion of Agenda Items
September 25, 2023 - Regular

7.02 Resolution Authorizing a Quitclaim Deed of the City's Title to the County in Order to Expedite the Sale of Land located at 237 S. Windsor Drive and 2318 Slater Avenue

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO DECLARE CITY PROPERTY SURPLUS AND QUITCLAIM CITY'S INTEREST IN JOINTLY HELD PROPERTY TO CUMBERLAND COUNTY. RESOLUTION NO. R2023-038

7.03 Adoption of Special Revenue Fund Project Ordinance 2024-10 to appropriate the Governors Highway Safety Program Grant Award

NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENTAL RESOLUTION. RESOLUTION NO. R2023-039

7.04 To adopt the following Stormwater actions: Capital Project Ordinance Amendment 2024-5, Stormwater Watershed Study Capital Project Ordinance Amendment 2024-4, FY24 Stormwater Drainage Improvements Capital Project Ordinance 2024-6, Budget Ordinance Amendment 2024-4, Special Revenue Project Ordinance Amendment 2024-8 and 2024-7, Blount's Creek Stream Enhancement Conceptual Design Capital Project Ordinance 2024-8, and Neville Street Drainage Improvement Capital Project Ordinance 2024-7.

Adoption of Capital Project Ordinance Amendments (CPOA) 2024-5 to transfer funds from the Stormwater Project program to the Stormwater Watershed Study Project Ordinance Amendment (CPOA 2024-4) in the amount of \$3,000,000.00 and \$3,950,000.00 to FY24 Stormwater Drainage Improvements Project Capital Project Ordinance (CPO) 2024-6. And then approve Budget Ordinance Amendment 2024-4 to move the remaining \$4,838,055.00 to the stormwater operating fund fund balance and close the Stormwater Project with the Stormwater Capital Project Close Out 2024-1.

Adoption of Special Revenue Project Ordinance Amendment (SROA) 2024-8 and SROA 2024-7 to transfer funds to CPO 2024-8 for \$200,000.00 for Blount's Creek Stream Enhancement Conceptual Design Project and \$1,323,507.00 to CPO 2024-7 for \$1,323,507.00 for Neville Street Drainage Improvement Program Project, respectively.

Adoption of Special Revenue Project Close Out 2024-1 and 2024-2 to close out each of these Special Revenue Projects.

7.05 Award Contract for the Purchase of FAST Bus Shelter Packages

Approval of the award of a contract to Tolar Manufacturing Co., Corona, CA, for the purchase of bus shelter packages at a cost of \$12,225.00 each plus the applicable freight charges, for an initial period of three years, with the option to extend the contract for two additional years upon the agreement of both parties.

7.06 Bid Recommendation - Re-Advertised Phase V Annexation Project XI, Area 25, Lake Rim Estates Project

Approval of the bid recommendation to award the contract for the Re-Advertised Phase V Annexation Project XI, Area 25, Lake Rim Estates Project to T. A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder in the total amount of \$18,975,000.00, and authorize the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

7.07 Bid Recommendation - Replacement Generator Step-up (GSU) Transformer Oil Coolers for BWGP

Approval of the bid recommendation to award the purchase of Replacement Generator Step-up (GSU) Transformer Oil Coolers for BWGP to Unifin International, Canada, the lowest responsive, responsible bidder in the total amount of \$1,039,835.00.

7.08 Sole Source Recommendation - One Bare Blower, Two Vibration Sensors, One Blower Protection Panel

Approval of the Sole Source Recommendation for purchase of one Lamson 1876-ADOI Bare Blower (the "blower"), two VP1024035 vibration sensors (the "sensors"), and one GuardianOne Blower Protection Panel (the "panel") manufactured by Gardner Denver Nash LLC for standardization and compatibility purposes.

7.09 Appointment of a Public Works Commissioner

Appoint Mr. Richard King to the Public Works Commission, effective immediately for a term of office October 9, 2023, through September 30, 2027.

7.010 Request to Petition the Court for the Release of Body-Worn Cameras Footage

Request the City Attorney's Office petition the Court for the release of Fayetteville Police Department Officer body-worn camera footage of the incident involving Mr. Lawrence Artis.

8.0 PUBLIC FORUM

Mr. Archie Barringer, 2271 Genna Shane Drive, Cumberland County, expressed concerns for the need for Unity.

Mr. Michael Currie, 129 Shadyview Drive, Raeford, NC, requested the reinstatement of Little League Baseball.

Ms. Jackie Elliott, 5301 Flagstone Court, Fayetteville, NC, applauded the outstanding use of the ARPA funds in the City.

Mr. Jose Cardona, 233 Addison Street, Fayetteville, NC, expressed concerns regarding the proposed curfew.

Ms. Lisa Lofthouse, 236 Viking Road, Fayetteville, NC, suggested proposed curfew alternatives.

Mr. Chelliko Hurst, 1485 Wayside Drive, Hoke County, expressed concerns regarding the Homeless Day Resource Center.

Mr. Shaun McMillian, 6024 Goldenrain Drive, Fayetteville, NC, expressed concerns regarding the proposed Youth Protection Ordinance.

Ms. Angela Malloy, 131 Hay Street, Fayetteville, NC, expressed concerns regarding the proposed curfew and a public information request.

Mr. Joseph Wheeler announced the World Homeless Day and an event taking place on facebook live with the Homelessness Assembly.

Ms. Rhonda Shirley, 3514 Gazella Circle, Fayetteville, NC, stated she is in support of the proposed curfew, and the need for an LGBTQIA Liaison in the Police Department, and encouraged the passing of the Jenesis Law.

After posing the question to the Council, Mayor Colvin announced that as this public forum has exceeded the 30-minute maximum amount of time; the remaining six speakers will be placed on a special public forum for the October 23, 2023, regular City Council meeting. Council Member Benavente objected to Mayor Colvin's announcement.

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 Phase 5 Annexation Area 28 and 33 North Public Hearing on the Preliminary Assessment Resolution

Ms. Janelle Rocket, PWC, Interim Marketing Manager, presented this item with the aid of a PowerPoint presentation and stated the City Council approved the Preliminary Assessment Resolution in their meeting on May 8, 2023, for Areas 28 and 33 North of the Phase 5 Annexation. The resolution originally set the date of the public hearing for June 26, 2023, to hear public comment. An additional public hearing is being held on October 9, 2023, to hear public comments.

A notice was published in The Fayetteville Observer on September 26, 2023, and copies of the Preliminary Assessment Resolution were mailed on September 26, 2023, informing the property owners of the public hearing date. After the public hearing, the next step in the process is to approve the Resolution Directing Project be Undertaken. This item will be scheduled for November 13, 2023.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

9.02 Phase 5 Annexation Utility Improvement Project Area 24BC Public Hearing on the Preliminary Assessment Roll

Ms. Janelle Rocket, PWC, Interim Marketing Manager, presented this item with the aid of a PowerPoint presentation and stated holding a public hearing to receive public comment for Annexation Areas is part of the statutory requirement process.

Preliminary Assessment Notices were mailed on September 25, 2023, informing property owners of their assessments and public hearing date. A notice was published in The Fayetteville Observer on September 26, 2023, for the Preparation of the Preliminary Assessment Roll and Public Hearing.

This is the advertised public hearing set for this date and time. There being no one to speak, the public hearing was opened and closed.

10.0 ADMINISTRATIVE REPORTS

10.01 Audit Committee Annual Report to City Council

This item was for information only and was not presented.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 8:21 p.m.